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UNITED STATES DISTRICT COURT

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SOUTHERN DISTRICT OF TEXAS

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CARLOS LOVE,  
TDCJ 582511,

Plaintiff,

*versus*

KELLY J. SIEGLER,

Defendant.

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CIVIL ACTION H-14-3583

### Opinion on Dismissal

Carlos Love filed a complaint for civil rights violations. 42 U.S.C. § 1983. He is held in the Diboll Correctional Center. Love sues Harris County Assistant District Attorney Kelly Siegler. He claims Siegler breached a plea bargain agreement and falsified an offense report in a 1991 criminal conviction. Love seeks damages and an expunction of his conviction.

State prosecutors are absolutely immune from damages liability when acting in the scope of their duties in handling a criminal prosecution. *Imbler v. Pachtman*, 424 U.S. 409 (1976). Moreover, the statute of limitations bars these claims on events which occurred more than ten years ago. Love's conclusory claims are insufficient for an expunction.

Love fails to state a claim recognized at law. 28 U.S.C. § 1915A(b)(1). This case will be dismissed.

Signed December 29, 2014, at Houston, Texas.



Lynn N. Hughes  
United States District Judge